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09/644,587	08/23/2000	Eric Schneider		2465

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ERIC SCHNEIDER  
13944 CEDAR ROAD  
# 258  
UNIVERSITY HEIGHTS, OH 44118

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 10/02/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/644,587

Applicant(s)

SCHNEIDER, ERIC

Examiner

Benjamin R Bruckart

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 12 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

Claims 1-11, 13 are pending in this Office Action.

Claim 12 is restricted without traverse.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-11 and 13, are drawn to a method and an apparatus for locating a network resource from a first identifier having a valid accessible first URI, classified in class 709, subclass 217.

II. Claim 12 is drawn to a method for sending a message to an email address, classified in class 709, subclass 206.

The inventions are distinct, each from the other because of the following reason:

Invention Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as locating network resources from first identifiers. See MPEP § 806.05(c). Invention in Group II has separate utility and is a method for sending an email.

Inventions in Group I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are (1) locating resources from identifiers and (2) sending email.

Because these inventions are distinct for the reason given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Eric Schneider on 9/15/03, a provisional election was made without traverse to prosecute the invention of E. Schneider, claims 1-11 and 13. Affirmation of this election must be made by applicant in replying to this Office action. Claim 12 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112 as being vague and indefinite for its citation of the word "competition."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,009,459 by Belfiore et al (“Belfiore”) in view of U.S. Patent No. 5,999,912 by Wodarz et al (“Wodarz”).

The Belfiore reference, with respect to claim 1, teaches an intelligent method of locating resources by

parsing at least one URI component from the first URI; (Belfiore: col. 2, lines 16-21)  
selecting a first content corresponding to said URI component of the first URI; and  
(Belfiore: col. 2, lines 25-29)

generating a valid accessible second URI that accesses said first content. (Belfiore: col. 8, lines 1-11)

Belfiore lacks “accessing the first URI and said second URI. (Wodarz: Abstract)”

The Wodarz reference teaches accessing the first URI and said second URI (Wodarz: Abstract) within a webpage where the second URI is dynamically assigned content like advertising (claim 6).

The Wodarz reference further teaches the system of dynamically advertising maximizes the number of advertisers per web page which changes ads based upon page numbers, tracks the number of times an ad is viewed, and chooses from eligible ads for each page number to make

the site more attractive to viewers since changing web pages on the Internet attract more interest than static pages. (Wodarz: col. 2, lines 15-21)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to create the system of intelligent searching and parsing data from a network address as taught by Belfiore and incorporate a system of accessing both the original and generated URI to produce a page with dynamic content as taught by Wodarz in order to maximize the number of advertisers per webpage and attract more interest than static pages. (Wodarz: col. 2, lines 15-21)

Claims 2-13 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Belfiore and Wodarz.

With regards to claim 2, a method, as set forth in claim 1, further including the step of inputting the first identifier from a user interface element. (Belfiore: Abstract lines 1-5)

With regards to claim 3, a method, as set forth in claim 2, wherein said step of inputting the first identifier from a user interface element further includes the step of inputting the is first identifier into one of a browser location field, text box, command line, and speech to text interface. (Belfiore: col. 2, lines 32-34; col. 4, lines 31-34; Fig. 5, tag 84; Fig 2, tag 24)

With regards to claim 4, a method, as set forth in claim 1, wherein said step of selecting said first content further includes the step of accessing a second content including one of a title, meta, head, and page source from the first URI. (Wodarz: col. 1, lines 36-42 where the HTML tags are part of the web page template, the first URI)

With regards to claim 5, a method, as set forth in claim 4, wherein said step of accessing said second content further includes the steps of parsing at least one keyword from said second

content (Belfiore: col. 2, lines 40-49), selecting a third content corresponding to said keyword from said second content, generating a valid accessible third URI that accesses said third content, and accessing the first URI and said third URI. (Belfiore: col. 2, lines 40-49)

With regards to claim 6, a method, as set forth in claim 5, wherein said first content and said third content includes selecting one of a second identifier, and advertisement. (Wodarz: Abstract; col. 2, lines 3-5)

With regards to claim 7, a method, as set forth in claim 6, wherein said step of selecting said advertisement further includes the step of consulting one of a table of advertisements having groups and categories, and an advertisement cache. (Wodarz: col. 2, lines 64-67; col. 3, lines 1-8)

With regards to claim 8, a method, as set forth in claim 6, wherein said selected advertisement corresponds to competition an entity that manages the first URI. (Wodarz: col. 3, lines 49-61)

With regards to claim 9, a method, as set forth in claim 6, wherein said second identifier includes one of a keyword, search term, and available domain name. (Belfiore: col. 2, lines 22-28)

The Belfiore reference teaches, with regards to claim 10, a method for processing a search request having at least one keyword, wherein the search results of the search request is accessed from an accessible first URI having a query component that corresponds to the keyword (Belfiore: col. 2, lines 16 - 34).

The Belfiore reference do not explicitly state the use of a template or base html page for which the second URI is generated in.

The Wodarz reference teaches a method that generates a second URI having a default file that accesses the first URI and a non-query component that corresponds to the keyword; and, accessing said second URI (Wodarz: col. 1, lines 36-42; col. 2, lines 3-6).

The Wodarz reference further teaches the system of parsing that allows for dynamically advertising that maximizes the number of advertisers per web page which changes ads based upon page numbers, tracks the number of times an ad is viewed, and chooses from eligible ads for each page number to make the site more attractive to viewers since changing web pages on the Internet attract more interest than static pages. (Wodarz: col. 2, lines 15-21)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to create the system of intelligent searching and parsing data from a network address as taught by Belfiore and incorporate a system of accessing both the original and generated URI to produce a page with dynamic content as taught by Wodarz in order to maximize the number of advertisers per webpage and attract more interest than static pages. (Wodarz: col. 2, lines 15-21)

Claim 11 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Belfiore and Wodarz.

With regards to claim 11, a method, as set forth in claim 10, wherein said search request includes a plurality of keywords and said non-query component corresponds to said keywords in a Boolean relationship. (Wodarz: col. 2, lines 60-67; col. 3, lines 1-8, Table 1)

The Belfiore reference teaches, with regards to claim 13, an apparatus for locating a network resource from a first identifier having a valid accessible first URI comprising:

- a processor; (Belfiore: col. 4, lines 46-48)

- a memory coupled to said processor; (Belfiore: col. 4, lines 46-48)

- a browser type program; (Belfiore: col. 4, lines 48-49)

- means for parsing at least one URI component from the first URI; (Belfiore: col. 2, lines 16-21)

- means for selecting (selected interpreted as a form of determining) as a first content corresponding to said URI component of the first URI; (Belfiore: col. 2, lines 22-28)

means for generating a valid accessible second URI that accesses said first content; and,  
(Belfiore: col. 4, lines 35-40; Belfiore: col. 8, lines 1-11)

and a means for accessing the second URI.

The Belfiore reference does not explicitly state a means for accessing the first URI.

The Wodarz reference teaches a means for accessing the first URI and said second URI.  
(Belfiore: col. 4, lines 35-40; Wodarz: Abstract)

The Wodarz reference teaches accessing the first URI and said second URI (Wodarz: Abstract) within a webpage where the second URI is dynamically assigned content like advertising from a parsing tool.

The Wodarz reference further teaches the system of parsing that allows for dynamically advertising that maximizes the number of advertisers per web page which changes ads based upon page numbers, tracks the number of times an ad is viewed, and chooses from eligible ads for each page number to make the site more attractive to viewers since changing web pages on the Internet attract more interest than static pages. (Wodarz: col. 2, lines 15-21)

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention to create the system of intelligent searching and parsing data from a network address as taught by Belfiore and incorporate a system of accessing both the original and generated URI to produce a page with dynamic content as taught by Wodarz in order to maximize the number of advertisers per webpage and attract more interest than static pages.  
(Wodarz: col. 2, lines 15-21)

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,890,172 by Borman et al.

U.S. Patent No. 5,907,680 by Nielsen.

U.S. Patent No. 5,649,186 by Ferguson.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

brb



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**